## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

NICHOLAS MARTIN, on behalf of himself and others similarly situated,	)	
Plaintiff,	)	Case No. 10 C 3494
riamum,	)	Case 110. 10 C 3494
v.	)	Judge Robert M. Dow
	)	
CCH, Incorporated,	)	Magistrate Judge
	)	Martin C. Ashman
Defendant.	)	

## **ORDER**

Before the Court is Plaintiff Nicholas Martin's ("Martin") Motion to Compel Defendant CCH, Incorporated ("CCH") to respond to interrogatories and requests for production. The Court rules on this motion under District Judge Robert Dow's referral for a decision pursuant to N.D. Ill. Rule 72.1. Based on the parties' briefs and a hearing on the motion, the Court finds that Martin's motion is granted in part and denied in part, as follows:

- 1. The motion to compel a response to Interrogatory No. 3 is granted. For the reasons stated in open court, CCH shall also provide a detailed explanation of how its automatic dialer operated during the class period, the reasons why any information requested by Martin is missing, and a statement explaining what happened to the missing information. CCH is also ordered to produce its phone records for all calls placed by the automatic dialer and the database CCH referred to during the hearing that tells the automatic dialer which person to call.
  - 2. The motion to compel a response to Interrogatories Nos. 5 and 11 is granted.
  - 3. The motion to compel a response to Interrogatory No. 7 is denied.

- 4. The motion to compel documents responsive to Requests for Production Nos. 1 and 2 is granted.
- 5. The motion to compel documents responsive to Request for Production No. 3 is granted. CCH shall provide a detailed response about what search was made for the recordings sought in Request No. 3, what happened to any recordings that are not available, when such recordings became unavailable, and by whose authority they were made unavailable.
- 6. The motion to compel documents responsive to Requests for Production Nos. 5 and 7 is granted.
- 7. The motion to compel documents responsive to Request for Production No. 12 is granted. In responding to this request, CCH shall also provide the additional information outlined above in relation to Interrogatory No. 3.
- 8. The motion to compel documents responsive to Request for Production No. 15 is granted. For the reasons stated in Court, however, CCH's response need not include the contract for the purchase of the automatic dialing system.
- 9. The motion to compel documents responsive to Request for Production No. 19 is granted as to the automatic dialing system. CCH need not produce records related to calls made from its non-automatic dialing systems.
- 10. The motion to compel documents responsive to Requests for Production Nos. 23,24, 26, 31, and 35 is granted.
- 11. The motion to compel all non-privileged documents responsive to Request for production No. 25 is granted.

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12. The motion to compel documents responsive to Requests for Production Nos. 27

and 28 is denied.

13. The motion to compel documents responsive to Request for Production No. 37 is

granted. CCH's responsive, however, is subject to the same requirements as stated above in

relation to Interrogatory No. 3.

Dated: January 24, 2011.

14. The motion to compel documents responsive to Request for Production No. 39 is

denied.

**ENTER ORDER:** 

MARTIN C. ASHMAN

United States Magistrate Judge

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